

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DARONTA T. LEWIS,

Plaintiff,

v.

G. UGWUEZE, et al.,

Defendants.

No. 1:20-cv-00575-NONE-SKO (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION AS DUPLICATIVE

(Doc. No. 20)

Plaintiff Daronta T. Lewis is a state prisoner proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 9, 2020, the assigned magistrate judge filed findings and recommendations, recommending that this action be dismissed because it is duplicative of *Lewis v. Ugwueze, et al.*, No. 1:20-cv-00596-AWI-SAB. (Doc. No. 20.) Plaintiff filed timely objections on September 28, 2020. (Doc. No. 22.) In his objections, plaintiff does not dispute that his complaints in the two cases are duplicative, stating that he filed the second complaint because the “court[] had not responded to plaintiff that [the] clerk received and assigned [a] case number.” (*Id.* at 1-2.) Plaintiff, however, makes the somewhat confusing request that the court “enjoin the exhibits” from this case with the duplicate case “to prevent [the] court from disposing of irreplaceable [sic] evidentiary documentation.” (*Id.* at 2.)

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
2 *de novo* review of this case. Having carefully reviewed the entire file, including plaintiff's
3 objections, the court finds the findings and recommendations to be supported by the record and
4 proper analysis. It is clear that plaintiff's complaint in this case is duplicative of the complaint in
5 Case No. 1:20-cv-00596-AWI-SAB. Therefore, this action should be dismissed. "Dismissal of
6 the duplicative lawsuit, more so than the issuance of a stay or the enjoinder of proceedings,
7 promotes judicial economy and the 'comprehensive disposition of litigation.'" *Adams v.*
8 *California Dep't of Health Servs.*, 487 F.3d 684, 692 (9th Cir. 2007) (citation omitted), *overruled*
9 *on other grounds by Taylor v. Sturgell*, 553 U.S. 880, 904 (2008). The court, however, will
10 address the apparent substance of plaintiff's request by filing the exhibits attached to the
11 complaint in the duplicate case.

12 Accordingly,

- 13 1. The findings and recommendations issued on September 9, 2020 (Doc. No. 20) are
14 adopted in full;
- 15 2. This action is dismissed without prejudice as duplicative;
- 16 3. The Clerk of the Court is directed to file the complaint in this action (Doc. No. 1)
17 as "Exhibits" in Case No. 1:20-cv-00596-AWI-SAB; and,
- 18 4. The Clerk of the Court is directed to terminate all pending motions, assign a
19 district judge to this case for purposes of closure, and to close this case.

20 IT IS SO ORDERED.

21 Dated: **October 2, 2020**

22 
UNITED STATES DISTRICT JUDGE